IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2005 OF 2007

Mr.Mohd Hussein Saleem Shaikh. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ayaz Khan with Rajendra Bidkar
for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 13th July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This application is for bail. The applicant is arrested for the offences punishable under section 302, 141, 143, 144, 147, 148, 149 of Indian Penal Code (I.P.C.) in C.R.No.296/2006 registered with Tardeo Police Station.

3. The main contention that was advanced in support of the bail application was that the applicant, though known to the first informant, had not been named in the F.I.R. That no overt act has been alleged against him. From the statement of one

of the witnesses, namely, Shri Phiroj Abdul Shaikh the act alleged against the applicant- accused is that he hit by stump near to the left ear of Phiroj. So far as other witnesses are concerned, none of them have made specific allegation against the applicant. Two accused, viz., Mrs.Reshma Irfan Shaikh and Mr.Mohammed Hasan Salim Shaikh are already enlarged on bail by the Additional Sessions Judge, Sewree under two separate orders. So far as applicant is concerned, he is claiming parity with that of Mohammed Hasan Salim Shaikh, to which, according to me, he is entitled for the same.

4. In the above view of the matter, I am inclined to grant bail in favour of the applicant, subject to following conditions:

(a) The applicant, arrested in connection with C.R.No.296/2006 registered with the Tardeo Police Station, Mumbai shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Tardeo Police Station once in 15 days, i.e. on every alternate Friday between 5.00 to 7.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

3. Application stands disposed of accordingly.

JUDGE